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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

MONICA EISENSTECKEN, et al.,

Plaintiffs,

vs.

TAHOE REGIONAL PLANNING AGENCY,  
et al.,

Defendants.

Case No. 2:20-cv-02349-TLN-CKD

**STIPULATION AND ORDER  
REGARDING BRIEFING  
SCHEDULE AND HEARING DATE  
FOR DEFENDANTS' MOTIONS TO  
DISMISS THIRD AMENDED  
COMPLAINT**

Case filed: November 24, 2020

Trial Date: None Set

Plaintiffs Monica Eisenstecken, Tahoe Stewards LLC, Tahoe for Safer Tech,  
Environmental Health Trust, and David Benedict (collectively, "Plaintiffs"), and Defendants

1 Tahoe Regional Planning Agency (“TRPA”), Joanne Marchetta, in her official and individual  
2 capacities, Marsha Berkgigler, in her official and individual capacities, Sue Novasel, in her  
3 official and individual capacities, Sacramento Valley Limited Partnership, d/b/a Verizon  
4 Wireless, Guillian Nel, and the City of South Lake Tahoe (collectively, “Defendants”), hereby  
5 stipulate as follows:  
6

7 1. On June 9, 2022, the Court entered a Stipulation and Order (ECF #59) granting  
8 Plaintiffs’ Motion to amend the complaint for a third time, and extending the time for Defendants  
9 to answer or move against the Third Amended Complaint to forty-five (45) days after its filing.

10 2. On June 10, 2022, Plaintiffs filed and served their Third Amended Complaint  
11 (ECF#60).

12 3. On June 30, 2022, the Court entered a Stipulation and Order (ECF#61) expanding the  
13 page limits for the briefing on the motions to dismiss.  
14

15 4. On July 25, 2022, pursuant to the terms of the June 9 Stipulation and Order, all  
16 Defendants moved to dismiss the Third Amended Complaint, setting a hearing date of September  
17 22, 2022. Defendants filed three separate motions to dismiss (ECF #s 63, 64, and 67),  
18 representing the three separate defendant entities and related individual defendants.

19 5. Because of the number and complexity of the motions to dismiss, Plaintiffs require  
20 more time to submit their papers in opposition to these motions than the Local Rules provide.  
21 Because of the length of the complaint and the number of claims raised, Defendants require more  
22 time to submit their reply briefs in support of the motions to dismiss than the Local Rules  
23 provide. Plaintiffs’ counsel and Defendants’ counsel have conferred and agreed upon a briefing  
24 schedule and hearing date that will accommodate both sides.  
25

26 6. Except for the extension described in paragraph 1 above, neither Plaintiffs nor  
27 Defendants have sought any prior extensions with respect to the motions to dismiss the Third  
28

Amended Complaint.

WHEREFORE, in order to provide for the timely briefing of the motions to dismiss, the parties have proposed, and the Court so orders, the following schedule:

A. Plaintiffs shall file their papers in opposition to the motions to dismiss the Third Amended Complaint on or before September 9, 2022.

B. Defendants shall file their reply papers in further support of their motions to dismiss the Third Amended Complaint on or before October 5, 2022.

C. The Court sets a hearing on the motions to dismiss for October 20, 2022 at 2:00 p.m. in Courtroom 2.

Dated: August 5, 2022

/s/ Julian Gresser

Julian Gresser  
Swankin & Turner  
Attorney for Plaintiffs  
MONICA EISENSTECKEN, TAHOE  
STEWARDS, LLC, TAHOE FOR SAFER TECH,  
DAVID BENEDICT,  
and ENVIRONMENTAL HEALTH TRUST

/s/ Debbie Leonard

Debbie Leonard  
Attorney for Defendants  
TAHOE REGIONAL PLANNING AGENCY,  
JOANNE MARCHETTA, MARSHA  
BERKBIGLER, and SUE NOVASEL

MACKENZIE & ALBRITTON LLP

/s/ James A. Heard

JAMES A. HEARD  
Attorneys for Defendants  
SACRAMENTO VALLEY LIMITED  
PARTNERSHIP, d/b/a VERIZON WIRELESS and  
GUILLIAM NEL

/s/ Heather Stroud

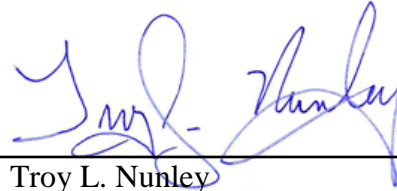
HEATHER STROUD

City Attorney

CITY OF SOUTH LAKE TAHOE

**IT IS SO ORDERED.**

Dated: August 8, 2022



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Troy L. Nunley  
United States District Judge